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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/574,352	05/20/2000	JOSEPH D. KIDDER	102689-5	8722

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EXAMINER

PATEL, NITIN C

ART UNIT	PAPER NUMBER
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2116

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/574,352

Applicant(s)

KIDDER ET AL.

Examiner

Nitin C. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 3, 7 and 14-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-6, 8-13 and 17-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 November 2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/16/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This is in responsive to amendment filed on 12 August 2004 and forwarded to the examiner on 29 April 2005. Examiner recognized that the response to amendment was delayed because of IFW processing delay.
2. Claims 3, 7, and 14 – 16 have been cancelled.
3. Claims 21 – 23 have been added new.

### ***Information Disclosure Statement***

4. The information disclosure statement (IDS) submitted on 12 August 2004 was filed after the mailing date of the first office action on 11 February 2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### ***Claim Objections***

5. Claim 1 is objected to because of the following informalities:
6. In the claim 1, delete the word ---to--- after the word "policy" in line 4 on page 2 as to is duplicated.
7. In the claim 1, replace "said default responses" in line 6 on page 2 with --- default responses --- as second physical layer has not previously recited in the claim.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 – 2, and 6, are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Johnson et al. [hereinafter as Johnson], US Patent 5, 594,861.

9. As to claim 1, Johnson discloses a computer system [14, computer, col. 2, line 40, fig. 1] comprising:

a. a default event policy [default analysis and recover] defining responses [recovery actions] to detected events [error detection] indicative of [enhanced locality] selected faults [fault],

b. a configurable event policy [specialized analysis and recovery] for modifying [modification of old or default recovery actions, col. 5, lines 59 – 67] the default event policy [default analysis and recover] to define responses [actions] to one or more of said detected events [error code or type] that are different [it is inherently determined during analysis] than default responses, and

c. a event management system [38, error handler] using the default event policy [default analysis and recover] and the configurable event policy [specialized analysis and recovery] to determine a required response [actions] to a particular event [error code or type][abstract, col. 1, lines 63 – 67, col.2, lines 1 – 9, col.3, lines 62 – 65, col. 4, lines 47 – 67, col. 5, lines 17 – 29, col. 5, lines 59 – 67, fig. 6].

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10. As to claim 2, Johnson discloses a computer [14] a database therefore; he teaches storing of configurable event policy within the configuration database too [col. 2, lines 54 – 56].

11. As to claim 6, Johnson discloses a computer [14] and a network device, which is inherent to computer [14].

12. Claims 1 – 2, 4 – 13, and 17 – 2x are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Masui et al. [hereinafter as Masui], US Patent 4, 727,487.

13. As to claim 1, Masui a computer system [100] comprising:

a. a default [predetermined/default] event policy [resource allocation policy][col. 3, lines 15 – 16] defining responses [operations/process] to detected events [step 200, by observing system status] indicative of selected faults [step 201, corresponding condition in knowledge base 143, fig. 2],

b. a configurable [selected] event policy [highest priority] [step 203, resource allocating policy (non default)] for modifying [by selecting highest priority] the default event policy [predetermined/default] to define responses [operations/process] to one or more of said detected events [failure or busy] that are different [it is inherently determined during search condition in knowledge base 143] than default responses [operations], and

c. a event management system [140, resource management function unit] using the default event policy [default resource allocation] and the configurable [selected] event policy [highest priority] [step 203, resource allocating policy (non default)] to determine [by sequentially checking availability of resources] a required

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response [operations/process] to a particular event [failure or unavailable][col. 1, lines 7 – 12, col.2, lines 45 – 67, col. 3, lines 1 – 58, col. 4, lines 23 – 63, col. 5, lines 27 – 61, fig. 1, 2, 4].

14. As to claim 9, Masui discloses a resource management method of operating a computer network device [network device is inherent to computer 100] comprising:

- a. providing a default [predetermined/default] event policy [resource allocation policy][col. 3, lines 15 – 16];
- b. providing [by allocating function] a configurable [selecting] event policy [highest priority];
- c. using the configurable [selected] event policy [highest priority] to modify the default event policy [predetermined/default];
- d. detecting [by sequentially checking availability of resources] an event indicative of any of a failure [failure or unavailable] or a resource consumption notification [busy]; and
- e. responding to the detected event [failure or busy] in accordance with the default event policy as modified by [selecting] the configurable event policy [highest priority][col. 1, lines 7 – 12, col.2, lines 45 – 67, col. 3, lines 1 – 58, col. 4, lines 23 – 63, col. 5, lines 27 – 61, fig. 1, 2, 4].

15. As to claim 2, Masui discloses a computer [100] a database [143, knowledge base, 144, policy base] therefore, he teaches storing of configurable event policy within the configuration database too [col. 2, lines 45 – 48, fig. 1].

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16. As to claims 4 – 5, Masui discloses hierarchical [priority] event management [a unit process/operations number (1,2,...m) numerals to denote priority] including hierarchical [priority] descriptors [numerals] [col. 3, lines 32 – 67].
17. As to claim 6, Masui discloses a computer [100] and a network device, which is inherent to computer [100].
18. As to claim 7, Masui discloses events [failure or unavailable or busy] including resource consumption notifications [by sequentially checking availability of resources] [failure or unavailable or busy].
19. As to claims 10 – 11, Masui discloses responding to the detected event [failure or unavailable or busy] including taking actions less severe or more severe [by selecting lowest or highest priority] than those in the unmodified default policy [default resource allocation] [col. 3, lines 32 – 67, col. 4, lines 23 – 63, fig. 2].
20. As to claims 12, Masui discloses responding to the detected event [failure or unavailable or busy] including taking different actions [resource allocating policy (non default), step 203 in fig. 2] than those in the unmodified default policy [default resource allocation] [col. 3, lines 32 – 67, col. 4, lines 23 – 63, fig. 2].
21. As to claim 13, Masui discloses responding to the detected event [failure or unavailable or busy] including taking new actions [if an alternative resource is found] than those in the unmodified default policy [default resource allocation] [col. 4, lines 37 – 42, fig. 4].
22. As to claim 17, Masui discloses a computer [100] and a network device, which is inherent to computer [100].

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23. As to claims 18 – 19, Masui teaches masking [by prioritizing] one or more particular events [col. 3, lines 32 – 36, col. 4, lines 45 – 50] and taking actions less severe than those in the unmodified default policy [col. 3, lines 32 – 67, col. 4, lines 23 – 63, fig. 2].

24. As to claim 21, Masui teaches resource comprises memory assigned to one or more applications [col. 2, lines 33 – 44, col. 5, lines 1 - 7].

25. As to claim 22, Masui discloses a computer [100] a database [143, knowledge base, 144, policy base] therefore, he teaches notifying one or more event managers of modifications made to default event policy too [col. 2, lines 45 – 48, fig. 1].

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

26. Claims 20, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Masui et al. [hereinafter as Masui], US Patent 4, 727,487, and further in view of Brown et al. [hereinafter as Brown], US Patent 6,721,947 B1.

27. As to claims 20, and 23, Masui teaches a resource allocation method in a computer system comprising: a default [predetermined/default] event policy [resource allocation policy][col. 3, lines 15 – 16]; a configurable [selecting] event policy [highest priority]; using the configurable [selected] event policy [highest priority] to modify the default event policy [predetermined/default]; detecting [by sequentially checking



availability of resources] an event indicative of any of a failure [failure or unavailable] or a resource consumption notification [busy]; and responding to the detected event [failure or busy] in accordance with the default event policy as modified by [selecting] the configurable event policy [highest priority][col.2, lines 45 – 67, col. 3, lines 1 – 58, col. 4, lines 23 – 63, fig. 2, 4].

However Masui does teach an event management system but not utilizing a configurable event policy for augmenting default policy with definitions of responses to event to determine required response to a particular event.

Brown discloses a system, method and program to create a customized response [configurable event policy] without modifying a default response of application extension manager [event management system] in which the customized response is a new or augmented response in lieu of or in addition to default response [col. 1, lines 6 – 10, col. 2, lines 51 – 61, col. 3, lines 7 – 42, col. 5, lines 12 – 67, col. 6, lines 1 – 11, col. 10, lines 3 – 65].

It would have been obvious to one of ordinary skill in art, having the teachings of Masui and Brown before him at the time of invention was made, to modify the configurable event policy disclosed by Masui to include a customized response [configurable event policy] augmented in lieu of or in addition to default response with an application extension manager [event management] as taught by Brown in order to obtain enhancing functionality of user interface of an executing application program with described with reference to a list of customized responses with respect to a given event [col. 2, lines 62 – 67, col. 3, lines 7 – 16, col. 11, lines 65 – 67, col. 12, lines 1 – 7].

28. **Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

29. **Prior Art not relied upon:** Please refer to the references listed in attached PTO-892, which, are not relied upon for claim rejection since these references are relevant to the claimed invention.

### ***Response to Arguments***

30. Applicant's arguments with respect to claims 1, 4, 9, and 23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nitin C. Patel whose telephone number is 571-272-3675. The examiner can normally be reached on 6:45 am - 5:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on 571-272-3670. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nitin C. Patel  
May 6, 2005



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